



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

NOV 8 2013

Jim Hogate, Project Engineer  
Norquay Technology Incorporated  
P.O Box 468  
800 West Front St.  
Chester, PA 19013

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Norquay Technology Incorporated  
EPA ID No. PAD982363889  
**Reference Number: C14-001**

Dear Mr. Hogate:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of the Norquay Technology Incorporated facility ("NTI" or "the facility") located in Chester, PA on July 30, 2013 (report narrative and photographs enclosed). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes . . . ." EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

- f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
  - g. Please state if the container has been shipped off-site and the date of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
  - h. If the container was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
2. In the Production room two 55gal drums were found labeled as "Solvents for Cleaning" and dated 7/29/13. For each of these containers, please provide the following information:
- a. A description of its source
  - b. Its date(s) of generation
  - c. State whether a "waste determination" and "LDR determination" has been made for the material
  - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
  - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
  - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
  - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.

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- f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
  - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
  - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
5. In the Acid Storage room a wheeled cart was found holding several small containers (Photo 14). For each of the containers on this cart, please provide the following information:
- a. A description of its source
  - b. Its date(s) of generation
  - c. State whether a "waste determination" and "LDR determination" has been made for the material
  - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
  - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
  - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.

unlabeled, unreadable, or unclear. These are described in the attached report under Section 5.8 starting on page 6:

- one 55gal drum towards the rear of the right-side rows was not dated (Photos 23 & 24)
- three drums in the front of the right-side rows were not labeled as HW or dated (Photo 25)
- one drum towards the rear of the right-side rows, being between several other drums, no label could be seen on it (Photo 26)
- two 55gal drums towards the rear of the left-side rows were not dated (Photos 27 & 28)
- on one drum towards the rear of the left-side rows it was unclear if the accumulation date was 4/24/13 or 7/24/13 (Photo 29)
- two additional drums in the rear of the left-side rows were undated (Photos 30 & 31)
- two drums located in the middle of the left-side rows were also undated (Photos 32 & 33)
- two drums near the front of the left-side rows were undated (Photos 34 & 35)
- labels could not be seen on three drums in the middle of the left-side rows (Photo 36)

For each of the above-described containers, please provide the following information (the facility may feel free to use a table or other more-convenient format to answer, due to the number of containers involved):

- a. A description of its source
- b. Its date(s) of generation
- c. State whether a "waste determination" and "LDR determination" has been made for the material
- d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
- e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
- f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
- g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.

- a. The date they became spent
  - b. Please state if the lamps have been shipped off-site and the date and method of such shipment(s). If they have not been shipped off-site, state their current location and explain why they have not been shipped off-site.
  - c. If the lamps were shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
10. One 4-liter jar was found under a chemical hood in the QC Lab (Photos 52 & 53). Regarding this jar, please provide the following information:
- a. A description of its source
  - b. Its date(s) of generation
  - c. State whether a "waste determination" and "LDR determination" has been made for the material
  - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
  - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
  - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
  - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
  - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.

**response must include the signed and dated certification found on the final page of this letter.**

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response to:

Martin Matlin (3LC70)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Matlin at (215) 814-5789.

## **CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

## Matlin, Martin

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**From:** James Hogate [jhogate@mail.norquaytech.com]  
**Sent:** Friday, August 09, 2013 12:10 PM  
**To:** Matlin, Martin  
**Cc:** 'Jim Horan'; 'Martin, Josephine'; 'Haas, Ryan'; 'Tucci, Michael'; 'Robert Heldt'; 'Eric Logan'  
**Subject:** Follow-Up Items from EPA visit to Norquay Technology  
**Attachments:** ECOFLO Manifests.pdf; Final PPC Plan - 2012 Signed.pdf; Clean Harbor Manifests.pdf; Norquay Technology - Fire Department Follow-Up.pdf; Emergency Response Plan 2012.pdf; Aerosol Disposal Memo. 8.2.2013.pdf; Inspection Checklists.pdf; EPA - 8-5-2013.pdf

Hello Martin,

At the conclusion of our meeting there were a few items that you requested for me to send to you.

I have included these items in the e-mail:

- Norquay PPC Plan
- Norquay Emergency Response Plan
- Hazardous Waste Manifests – Received these through TSD due to timing
- Letter Sent to Chester Fire Department

In addition, we have taken your suggestions and recommendations and done the following:

- Informed plant personnel on proper aerosol disposal. Most had already been disposing in the solid waste, but I posted a memo and had plant personnel that handle the cans, sign off on the memo.
- Proper labeling and closing up Universal Waste (light bulbs and waste oil)
- Inspected all waste containers for proper labels, dates, and secured all lids
- Additional overpack drums ordered for containers with packaging defects.

It is our goal to stay in compliance with the EPA, DEP, and in general be good neighbors to our Chester community.

We strive to do our best and take in the suggestions and recommendations of the EPA to stay in compliance.

Thank you for your time last Tuesday, July 30<sup>th</sup>.

Sincerely,

Jim Hogate  
Norquay Technology Inc.  
P.O. Box 468  
Chester, PA 19016-0468  
P: (610) 874-4330  
F: (610) 874-3575 fax  
[www.NorquayTech.com](http://www.NorquayTech.com)





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August 2<sup>nd</sup>, 2013

SUBJECT: Aerosol Can Disposal

Attention Norquay Employees!

On July 30<sup>th</sup>, 2013 we had an inspection from the EPA. One of the topics that came out of this inspection was the disposal of aerosol cans such as; spray paint, spray adhesive, etc.

**As of today all aerosol cans must be disposed of in hazardous solid waste drums.**

Hazardous solid waste drums are located throughout the facility. There is the one in the reactor room next to the cobra pump, one is located out by the glycol chiller tank, and the remaining drums are located in the back of the warehouse.

Lastly, please make sure that once you have disposed of the aerosol can that you put the lid back onto hazardous solid drum.

Please sign the following sheet saying you understand the contents of this memo.

Thank you,

Jim Hogate

Engineering